



DEPARTMENT OF THE ARMY  
U.S. Army Corps of Engineers  
Los Angeles District, Phoenix Office  
3636 N. Central Ave., Suite 900  
Phoenix, AZ 85012

November 25, 2013

REPLY TO  
ATTENTION OF:  
Office of the Chief  
Regulatory Division

Lynn Johnson, P.E.  
Holbrook District Engineer  
2407 E. Navajo Blvd (H700)  
Holbrook, AZ 86025-1828

#### **DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION**

Dear Mr. Johnson:

I am responding to your request (SPL-2010-00177-KAT) for a Department of Army permit. Your proposed project, Five Mile Draw Bridge (Tracs 077 NA 366 H7286 01C) is located (34.597766°N -110.086504°W, NAD 83) along SR 77, north of Snowflake, Navajo County, Arizona. This project would result in a temporary discharge of 0.25 acre of fill material into Five Mile Draw, waters of the United States. Therefore, pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344; 33 C.F.R. parts 323 and 330), your proposed project requires a Department of the Army permit.

I have determined that construction of your proposed project would comply with Nationwide Permit (NWP) No. 33, "Temporary Construction, Access and Dewatering", if constructed as described in your application. Specifically, and as shown on the attached figures, you are authorized to conduct the following regulated activities:

#### **Five Mile Draw**

1. Remove existing bridge, abutment and piers. Remove Piers approximately 2-3 feet below existing grade.
2. Install a 68-foot wide by 130-foot long single span bridge.
3. Construct temporary access road in upland to bank of waters.
4. Remove and grade minor amounts of existing rock and boulders within Five Mile Draw to access piers by construction equipment.
5. Restore impacts to Five Mile Draw from equipment access to pre-existing contours and rock/boulder locations.
6. Temporary impact for equipment access is approximately 0.25 acre.

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Condition listed below:

1. **The permittee shall provide notification, either written or verbal, to the Corps of Engineers at least one week prior to the start of work, as to the anticipated beginning and ending dates of construction.** The permittee shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit
2. **A copy of the permit shall be on the job site at all times during construction.** The permittee shall provide a copy of this permit to all construction representatives. The permittee shall require that all construction representatives read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein.
3. **The construction limits for all work within waters of the U.S. shall be fenced, staked, or flagged prior to construction.** The contractor(s) shall be thoroughly familiar with each of the project boundaries, and all perimeter markings shall be maintained intact for the life of the project. The contractor shall monitor each of the construction zones during the entire length of the contract to ensure fencing, staking, or flagging remains in place and that no vegetation is disturbed outside of the construction limits.
4. **The permittee shall comply with all the requirements and conditions of the Memorandum of Agreement** among the Federal Highway Administration, the Arizona State Historic Preservation Office, the Arizona Department of Transportation, the Arizona State Land Department, Bureau of Land Management, Hopi Tribe, Navajo Nation, Pueblo of Acoma, Pueblo of Zuni, Tonto Apache Tribe and The Arizona State Museum regarding Adverse Effects to the Five Mile Draw Archaeological Site, State Route 77 between milepost 365 and 368. This requirement is meant to assure compliance with the permittee's responsibilities under Section 106 of the National Historic Preservation Act. A copy of the agreement is enclosed.
5. **The permittee shall provide post construction photographs of Five Mile Draw within 30 calendar days after restoration has been completed.** See attached photo point sheet and preconstruction photographs for location and example.
6. The permittee shall ensure that all project areas disturbed by construction-related activities are stabilized and restored to their pre-project conditions/contours, to the maximum extent possible, upon project completion. Watercourse morphology shall be re-established to match pre-construction configurations. Areas disturbed above the ordinary high water mark will be reseeded with a locally native plant species.
7. Unless specifically authorized all temporary construction access, staging activities, and stockpiling shall be located outside of the waters of the U.S. The location of these activities shall be sited to minimize the removal of mature trees, to utilize previously disturbed areas to the extent practicable, and to minimize the total area of disturbance.
8. The permittee shall not discharge dredged or fill material while constructing this project or any other phase of this project, other than the permitted activities identified above.

9. The permittee shall allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished within the terms and conditions of the permit.

This verification is valid through March 18, 2017. If on March 18, 2017 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity we can exercise discretionary authority and thereby modify, suspend, or revoke this specific verification at an earlier date in accordance with procedures in 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). At the national level the Chief of Engineers at any time prior to the expiration of a NWP may chose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 C.F.R. § 330.5.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please contact Kathleen Tucker at 602.230.6956 or via e-mail at [Kathleen.A.Tucker@usace.army.mil](mailto:Kathleen.A.Tucker@usace.army.mil). Please complete the customer survey form at <http://per2.nwp.usace.army.mil/survey.html> which would help me to evaluate and improve the regulatory experience for others.

Sincerely,



Sallie Diebolt  
Chief, Arizona Section  
Regulatory Division

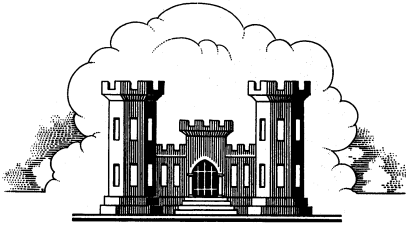
Enclosures

1. Enclosure 1
2. Certificate of Compliance
3. Project Plans

Copies Furnished

(Without enclosures)

Rob Nelson, DEC Holbrook District  
Charles Beck, ADOT EPG  
Julia Manfredi, ADOT OES



LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: *SPL-2010-00177-KAT, SR 77 Five Mile Draw Bridge*

Name of Permittee: *Arizona Department of Transportation, Lynn Johnson*

Date of Issuance: *November 25, 2013*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it to the following address using any **ONE** of the following:

- 1) Email a digital scan of the signed certificate to [Kathleen.A.Tucker@usace.army.mil](mailto:Kathleen.A.Tucker@usace.army.mil)
- OR**
- 2) Mail the signed certificate to

U.S. Army Corps of Engineers  
Regulatory Division  
ATTN: CESPL-RG-SPL-2010-00177-KAT  
U.S. Army Corps of Engineers  
Los Angeles District, Phoenix Office  
3636 N. Central Ave., Suite 900  
Phoenix, AZ 85012

I hereby certify that the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(l)(3) to confirm that the appropriate number and resource type of credits have been secured.

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Signature of Permittee

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Date